

**CLOSED**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|                 |   |                                |
|-----------------|---|--------------------------------|
| DONNIE PRATOLA, | : |                                |
|                 | : |                                |
| Petitioner,     | : | <b>Hon. Robert B. Kugler</b>   |
|                 | : |                                |
| v.              | : | Civil Action No. 09-5459 (RBK) |
|                 | : |                                |
| ADRIENNE BARGE, | : |                                |
|                 | : |                                |
| Respondents.    | : | <b><u>ORDER</u></b>            |
| _____           | : |                                |

For the reasons set forth in the Opinion filed herewith,

IT IS on this 4th day of March, 2010,

ORDERED that in forma pauperis status is GRANTED to Petitioner; and it is further

ORDERED that the Petition for a Writ of Habeas Corpus is DISMISSED for lack of jurisdiction, without prejudice to the filing of a civil complaint under 42 U.S.C. § 1983; and it is further

ORDERED that the motion [docket entry #3] to produce discovery and the motion [docket entry #5] for summary default judgment are DENIED AS MOOT; and it is further

ORDERED that a certificate of appealability is DENIED, see 28 U.S.C. § 2253(c)(2); and it is finally

ORDERED that the Clerk shall serve copies of this Order and the accompanying Opinion upon Petitioner by regular mail, and shall close the file.

s/Robert B. Kugler  
**ROBERT B. KUGLER**  
United States District Judge